IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION No. 1668 OF 2006
IN
SUIT No. 1226 of 2006

Manohar Dashrath Achrekar ... Petitioner

Vs.

G.E. Capital Transportation
Financial Services Ltd. & Anr. Respondents.

Mr. A. S. Khandeparkar for the petitioner.
Mr. D. K. A. Dubey for respondent No.1.

CORAM : V. R. KINGAONKAR, J.
(VACATION JUDGE)

DATE : MAY 19, 2006.

P.C. :-

. Heard the learned counsel.

2. The vehicle in question is lying in the custody of defendant No.1. It appears that the learned Single Judge of this Court granted ad interim relief to the plaintiff and prohibited the transfer of vehicle by the respondent No.1. The plaintiff has paid the loan amount regarding the vehicle in question, which was borrowed by defendant no.2 from defendant No.1, in the office of defendant No.1. Thus, prima facie there is no substantial reason to allow the defendant no.1 the retention of the vehicle in its custody. Without prejudice to the rights of the parties and in order to avoid deterioration of the property and rusting of the machinary, I think it proper to appoint defendant no.1 as a Court Receiver in respect of the vehicle i.e. EICHER Make bearing R.T.O. Registration No. MH-12 CH-2547 and direct that the plaintiff be

allowed to use vehicle as an agent of the Receiver. The plaintiff shall render account every fortnight regarding the profits earned and shall also submit copy of the same to the court. In case there is default committed in rendition of the account or that the accounts are not proper and correct, then the defendant shall be at liberty to move the Court for further direction.

3. Motion is disposed of.

[V. R. KINGAONKAR, J.]